(27)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) NO. 6621/2007

PETITIONERS

1. Juglal Patel, aged 80 years, Son of late Shri Sukaluram Patel
2. Chhannulal Patel aged 55 years, son of Jugaruram Patel
3. Smt. Shantibai aged 40 years, Wife of Nandkumar Patel
4. Smt. Nainabai aged 35 years, Wife of Bholaram Patel
5. Shri Gyaneshwar aged 25 years
6. Kumari Yogesh aged 22 years
7. Kumari Pinki aged 20 years
8. Kumari Sarita 19 years

   (2 to 8 L.Rs. of deceased Jugaru S/o. Sukalu)
9. Derharam Patel aged 50 years Son of late Prahalad Patel
10. Smt. Baishakhin Bai aged 60 years Widow of late Prahlad Patel
11. Smt. Bhumika Bai aged 40 years Wife of Sakharam Patel
12. Somnath Patel aged 35 years Son of late Shri Prahalad Patel
13. Kumari Chandrakanta aged 30 years Daughter of late Prahalad Patel

    (9 to 13 L.Rs. of Prahlad S/o. Sukalu)
    All Bhumiswami of land at Bhilai-3, Tah. Patan, Distt. Durg

Vs.

RESPONDENTS

1. The State of Chhattisgarh, Through the Secretary, Nagariya & Paryavaran Department, D.K.S.Bhavan, Raipur (CG)
2. Collector, (Land Acquisition) Durg
3. Municipal Corporation, Bhilai, Through the Commissioner, Municipal Corporation, Bhilai Distt. Durg
4. Sub Divisional Officer, Sub Division No.2, Durg

(28)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(**SB:** Hon'ble Mr. Justice **Satish K. Agnihotri**)

Shri Somkant Verma, counsel for the petitioners.
Shri Sumesh Bajaj, Government Advocate for the State.

ORDER
(Passed on this 31st day of October, 2007)

Learned counsel appearing for the petitioners submits that the Municipal Corporation has made drainage on the private land bearing Khasra No. 82/1 area 0.36 decimal and Khasra No. 89/3 area 0.08 decimal of the petitioners.

2. It is submitted by learned counsel appearing for the respondent/State that the fact with regard to the ownership of the property cannot be settled by this Court. The appropriate forum is Civil Court. Further, this drainage has been constructed way back prior to 25.09.89.

3. The disputed question of facts are involved in regard to the ownership of the property, which cannot be decided on the basis of some documents filed by the petitioners.

4. Thus, this petition is not maintainable. However, the petitioners are at liberty to take recourse to Civil jurisdiction if, so advised. This petition is accordingly, dismissed.

Sd/-
Satish K. Agnihotri
Judge

Suguna